Att. 0575/00849/JFW/APE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul B. Fisher, et al.

Serial No.: 09/515,303 Examiner: E. Loeb

Filed : February 29, 2000 Art Unit: 1636

For : MELANOMA DIFFERENTIATION ASSOCIATED GENE-5 (Mda-5), PROMOTER AND USES THEREOF

1185 Avenue of the Americas
New York, New York 10036
April 3, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

COMMUNICATION IN RESPONSE TO THE MARCH 6, 2001 COMMUNICATION REGARDING SEQUENCE LISTING AND DISCLOSURES

This Communication is submitted in response to the March 6, 2001 Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures issued by the United States Patent and Trademark Office in connection with the above-identified application. A copy of the Notice is attached hereto as **Exhibit A**. A response to the March 6, 2001 Communication is due April 6, 2001. Accordingly, this Communication is being timely filed.

Sequence Listing

The Examiner stated that the Communication filed February 9, 2001 was not fully responsive to the Office communication mailed November 1, 2001 because the Statement of Compliance filed February 9, 2001, certifying that the content of the paper and computer readable copies are the same, was unsigned and thus invalid. The Examiner stated that a substitute Statement should be submitted and specifically refer to the C.R.F. and paper copies filed February 9, 2001.

In response, applicants herewith submit as **Exhibit B,** a signed Statement of Compliance Under 37 C.F.R. §1.821(f) certifying that the computer readable form containing the nucleic acid and/or amino acid sequences required by 37 C.F.R. §1.821(e) which was filed on February 9, 2001 in connection with the subject application has the same information as the paper copy of the Sequence Listing submitted as Exhibit 2 in the February 9, 2001 Communication.

Applicants believe that in view of the substitute Statement of Compliance, signed and submitted herewith, applicants fully comply with the requirements of 37 C.F.R. §1.821 through §1.825. Accordingly, applicants request that the Examiner withdraw this objection.

Applicants additionally attach as **Exhibit C,** a paper copy of the Sequence Listing submitted as Exhibit 2 in the February 9, 2001 Communication.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

John P. White
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231.

4/3/01
John P. White Date
Reg. No. 28,678

Notice to Comply	Application No. 09/815,363	Applicant(s) FISHER ET AL.
	Examiner Bronwen M. Loeb	Art Unit 1636

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☒ 7. Other: Statement filed February 90, 2001 that content of paper and computer readable copies are the same was unsigned and thus invalid; substitute statement should refer specifically to the CRF and paper copies filed Feb. 9, 2001

Applicant Must Provide:

☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
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